

STATEMENT OF CHAIRMAN KEVIN BATTISE
Senate Indian Affairs Committee
June 18, 2002

Mr. Chairman and members of the Committee, good morning. My name is Kevin Battise, Chairman of the Alabama-Coushatta Indian Tribes of Texas. I would like first to thank Chairman Inouye and Senator Campbell for providing us this opportunity today to appear before the committee and relate our story. It is a noble story but which all too often contains sad chapters such as the historical interpretation of the Texas Restoration Act. We, the Alabama Coushatta, along with our brothers the Tiguas of El Paso and the Kickapoo of Eagle Pass, are all that are left of the federally-recognized Indian tribes in the state of Texas.

I often hear the statement from people I encounter that they were unaware there were ANY Indians in Texas. That is a very sad commentary but it seems to only highlight America's historical illiteracy in the 21st century. America is losing it's memory, a fact which has been highlighted in numerous American Council of Trustees and Alumni surveys. In our historical story chapters have been lost and in the case of the Texas Restoration Act have been rewritten. I do not suggest today that we should be imprisoned by our history but we should use it to be informed, for to do otherwise is to always remain a child.

It is my role here today to relate to you a more personal historical chapter in our story. I will leave it to Mr. Skibine and Ms. Boyland to relate firsthand, their stories and experiences as to what occurred or did not occur during Congressional debate and passage of the Texas Restoration Act.

Therefore our story begins with a simple question. I ask you today, where are my brothers the Mescalero Apaches? The Lipan Apaches? The Karankawas? The Comanches? The Wichitas? The Taovayas? The Tonkawas? The Bidais? The Tawakonis? The Wacos? The Kiowas? The Cherokees? The Shawnees? The Caddos? The Delawares? The Anadarkos? The Hainais? The Kichais? The Biloxis? Their land in Texas, like their dreams, has been taken away – it is a modern day story of Exodus.

But I believe also in the power of reconciliation. St. Thomas Aquinas wrote that dialogue is the struggle to learn from each other. Our struggle is like Jacob wrestling the angel – it leaves one wounded and blessed at the same time. So, let us begin to learn.

It should be noted at the outset that the Alabama-Coushatta Indian Tribes of Texas has a long history of living in harmony with the citizens of Texas. In fact, the Alabama-Coushattas participated in the Mexican War of Independence in 1812; their bravery and skill were mentioned by several chroniclers of the fighting around San Antonio during the rebellion against Spain. Early in 1836 Gen. Sam Houston's army was retreating eastward

across Texas, pursued by the Mexican army under Santa Anna. As the revolutionary army marched toward San Jacinto, Houston received assistance from the Alabama-Coushatta.

Sam Houston would later tell my ancestors, “you are now in a country where you can be happy; no white man shall ever again disturb you; the Arkansas will protect your southern boundary when you get there. You will be protected on either side; the white man shall never again encroach upon you and you will have a great outlet to the West. As long as water flows, or grass grows upon the earth, or the sun rises to show your pathway, or you kindle your camp fires, so long shall you be protected by this Government, and never again removed from your present habitation.” [*Writings of Sam Houston*, 1854]

Unfortunately, the late 1800s brought a rapid deterioration in the Alabama-Coushatta culture, less than a hundred years after our tribe settled in Texas our lands were reduced from over 9 million acres to a now existing 4600 acres. The influx of white settlers, the clearing of forests, and the plowing of farmland nearly destroyed our hunting, fishing, and gathering practices. We were forced either to rely primarily on farming our limited reservation lands or to seek employment outside the reservation.

In the late nineteenth century, the indifference of the United States toward the Alabama Coushatta Indians was so complete that not only didn't we count as representatives of a sovereign nation, we were not even counted — the Bureau of Indian Affairs saw no need even to make a census count of the Alabama Coushatta Indians in Polk County, Texas. The Tribe reached the lowest point of our history in the 1800s when the state abolished the post of agent for us. We had in effect vanished ---- we became invisible to our so-called trustees.

Over the next hundred years, the government-to-government relationship with the Tribe shifted from the federal government to the state of Texas and then back to the federal government. During the time of our trusteeship under the state of Texas we have faced constant overreaching by the state. This was demonstrated by the use of poll taxes, termination policies, edicts to cut our hair and to not speak our language or we would not receive an education. We were managed by the Board for Texas State Hospitals in Austin Texas. We were told by the Attorney General for the state of Texas that we had no reservation and we were nothing more than loose association of individuals much like a fraternity. Monies appropriated when they even were appropriated were subject to severe fluctuations and if that were not enough — the state of Texas then sought to tax what little if any was left and if the taxes were not paid the reservation would be sold to pay its debts. We were told of the need to protect charity bingo and we were told of the need to protect the lottery. We were even told by the Texas Comptroller that “[those Indians] say they have a law, but that doesn't mean another Indian can't change it – you put a headdress on another Indian and you get another set of laws.”

Unfortunately as you can see his modern day story has been one of poverty and little

hope. Many of my Indian brothers and their local communities in Texas live on the outskirts of hope. Some because of their poverty, some because of their color, and all too many because of both. Our task today in this hearing room and in our hearts and minds is to begin to replace despair with opportunity.

On our reservation where we make our own war on poverty the unemployment rate is 46%, our median household income is 25% of the state of Texas average and only 1% of us have a four year college degree, we are once again facing the awesome weight of the state of Texas. This campaign by certain public policy makers not only seeks to ignore history but also perhaps more astonishingly seeks to rewrite history. These individuals envision a public policy arena where Congressional Committee Chairman have no role and have no voice.

Specifically this is demonstrated by their subscription to the following Fifth Circuit Court of Appeals judicial opinion that states and I quote "we cannot set aside this wealth of legislative history simply to give effect to the floor statement of just one representative that was recited at the twelfth hour of the [Texas Restoration Act] consideration." That one representative Mr. Chairman and committee members, was none other than the Chairman of the House Insular Affairs Committee — Mo Udall.

This statement not only demonstrates enormous disrespect for Chairman Udall but also displays an ignorance of the Congressional legislative process which would embarrass a first year law student.

We realize our war will not be won by one battle in Washington D.C.. Rather, battles must be won in the hills of Austin, in the cactus-draped community of Eagle Pass, and the plains of West Texas. Such a battle does not seek untold riches rather we seek to eliminate poverty. We seek what all Americans seek --- better schools, better health, and better homes.

You see before you today two possible futures that the Attorney for the Texas Lottery, John Cornyn, would allow us to pursue. As you can see, one future is another forced march to the unemployment line where Texas jobs and Texas benefits all too often today do not exist. Another is a future calling us to pursue the American dream, but the sign reads, "Native Americans Need Not Apply." This I might note is said to a people who defend it in higher percentages than any other segment of our society.

Those who seek to deny us our American dream tell us to diversify. I say with what? They tell us to follow their law. I say it is your view of the law, not ours. They coerce a small impoverished tribe into signing agreement under duress and then later enact perhaps the most sweeping lottery act in the country. In the summer of 2001 they stood in a United States District Courthouse and stated to a United States District Court Judge that "Texas is not a gambling state." I say I must live in another state, for what is a \$2.7 billion dollar

lottery where the state of Texas spends \$40 million dollars a year on marketing alone; horse racing; dog racing; charity bingo where the grand prize one night was a picture of former Governor George W. Bush and Laura Bush; 45,000 eight-liners – ten thousand more than Atlantic City; cruises-to-nowhere and casino nights at Texas A&M? If that were not enough what is two and a half billion dollars annually which finds its way from Texas pocketbooks to Louisiana and Las Vegas?

The Attorney for the Texas Lottery through his litigation seeks to bring the full weight of the state of Texas against a people who the President's United States Advisory Board on Race stated and I quote "on virtually every indicator of social and economic progress, the [Native American] people of this nation continue to suffer disproportionately in relation to any other group.... they have the lowest incomes....the highest unemployment...the lowest percentage of people who receive a college degree...the highest percentage of people living below the poverty level....the highest suicide rate." In fact earlier this year a United States Center for Disease Control and Prevention study found that health care indicators improved for all segments of the U.S. population in the last ten years save one -- Native Americans.

Unfortunately for the Alabama-Coushatta Tribes of Texas, and our surrounding communities we are not part of the American dream mosaic. We have vanished but once again. This is especially sad given that recently over 2,000 people in our local community participated in a Celebration of Cultural Diversities which sought to honor the memory of Martin Luther King. It is worth noting that in the twilight of his struggle Rev. King stated and I quote "there are few things more thoroughly sinful than economic injustice."

On February 14, 1854 a senator told his colleagues in the United States Senate that they had to choose whether to, "deceive [the Indians] by promises, or to confirm to them rights long promised...I am aware that in presenting myself as the advocate of the Indians and their rights, I shall claim but little sympathy from the community at large, and that I shall stand very much alone, pursuing the course which I feel it my imperative duty to adhere to...[I]mplanted in me [is] a principle enduring as life itself. That principle is to protect the Indian against wrong and oppression, and to vindicate him in the enjoyment of rights which have been solemnly guaranteed to him by this Government." That man's name was ----- Sam Houston.

If our opponents are successful the Alabama-Coushatta Indian Tribes of Texas and our local community face a future that does not include an appreciation for Native American history, Congressional legislative history, or economic social justice. We know that the path we choose today is full of risk but in the grand tradition of the state of Texas we will take that risk as our ancestors did when they stood with Sam Houston.

We will, as our friend former Governor John Connally stated, take a risk for what we think is right and for that, we will never quit taking risks. In the end we believe that like the

son of the man you see in a reservation photograph to my left, we must not become two societies — one that believes in the American dream and one that is without such hope.

I would like to thank you once again Mr. Chairman, committee members and staff for this distinct honor. I now make myself available for any questions and or comments you might have.